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Paul A. Sallaberry

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

MARK LESLIE, KENNETH E.  
LONCHAR, PAUL A. SALLABERRY,  
MICHAEL M. CULLY, and DOUGLAS  
S. NEWTON,

Defendants.

Case No. C 07-3444 JF

**DECLARATION OF LISA A. JACOBS IN  
SUPPORT OF DEFENDANT PAUL A.  
SALLABERRY'S MOTION TO DISMISS  
AND FRAUD CLAIMS AND TO STRIKE  
CERTAIN REQUESTS FOR RELIEF**

Date: January 18, 2008  
Time: 9:00 AM  
Place: Courtroom 3, 5th Floor  
Judge: The Honorable Jeremy D. Fogel

Complaint Filed: July 2, 2007

I, LISA A. JACOBS, declare as follows:

1. I am an associate with the law firm of Shartsis Friese LLP, attorney for Defendant Paul A. Sallaberry in the above captioned matter. I have personal knowledge of the matters stated herein, and if called as a witness, I could and would testify competently thereto.

2. Based on my familiarity with this matter, I am informed and believe that since the Securities and Exchange Commission ("SEC") began its investigation in 2002, approximately 18 million pages of documents have been gathered by the SEC and the testimony of over 100 witness has been taken.

3. Attached as Exhibit A is a true and correct copy of the advertising agreement referenced in the Complaint. (Compl. ¶¶ 24-25, 29.)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

/s/ Lisa A. Jacobs

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